

CALIFORNIA STATE PERSONNEL BOARD MEETING
801 Capitol Mall
Sacramento, California
www.spb.ca.gov

Public Session Location - Room 150

Closed Session Location - Room 141

FULL BOARD MEETING MINUTES

AUGUST 7, 2001

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President
Florence Bos, Member
Richard Carpenter, Member
Sean Harrigan, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. The Department of Finance indicates that about \$50 million dollars was "Blue Penciled" from the budgets of nonexempt general fund state departments. As a result the current year State Personnel Board budget will be reduced by 2 1/2 percent (approximately \$200,000.)
- B. The Department of Finance has also requested that the General Fund Department prepare contingency budget plans for the next fiscal year showing the impact of a 3, 5, and 10 percent general fund reduction.

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- C. State Personnel Board staff and representatives from a number of state departments have jointly developed public service announcements and a video promoting employment in state government.
- D. Dick Bernheimer, a former State Personnel Board division chief, retired after 40 years of dedicated service to the state.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

- A. Connerly v. State Personnel Board - Oral argument scheduled for August 24, 2001 at 2:00 p.m. Each side will be allowed 30 minutes for oral argument.
- B. Harvey Bills v. State Personnel Board - Superior Court denied the petition for writ of mandate.

4. REPORT ON LEGISLATION - Judy Balmain

The State Personnel Board voted on the following:

- A. AB 647 (Horton) - Would amend the Reporting by Community Colleges Employees of Improper Governmental Activities Act to permit community college employees and applicants for community college employment to file whistleblower retaliation complaints with the SPB as opposed to local law enforcement agencies. The Board is opposed unless amended to make the program fully reimbursable.

OPPOSE UNLESS AMENDED

VOTE: Alvarado, Bos, Carpenter, Harrigan - Aye

The Board was advised of the following:

- A. SB 778 (Burton) was signed by the Governor. The legislation impacts the State Personnel Board (SPB) by requiring that SPB conduct an investigation and quality assurance review of the personnel practices of the Board of Prison Terms. While emphasis is to be placed on the Deputy Commissioner classification, the

investigation shall include but not be limited to a review of the Board of Prison Terms hires, transfers,

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promotions, and adverse actions. A report on the investigation and review is due by December 1, 2001.

- B. SPB staff members Judy Balmain, Mike Wilihnganz and Sue Myers will be meeting with Casey Young, Bob Walton and Pamela Schneider of CalPERS to discuss the expansion of the safety membership categories.

5. ORAL ARGUMENT

Oral argument in the matter of ROBERT EDWARDS, CASE NO. 00-3080. Appeal of Discrimination Complaint. Department of Corrections.

Persons Participating:

Margaret Teague, Staff Counsel, representing Department of Corrections

Robert Edwards , appellant, Pro Per

ACTION: Submitted

6. ORAL ARGUMENT

Oral argument in the matter of DON T. CIMARUSTI, CASE NO. 99-1898, LARRY A. COON, CASE NO. 99-2019, JOHN M. SAFFOLD, CASE NO. 99-2014. Appeal from Dismissal. Department of the Youth Authority.

Persons Participating:

Diana L. Cuomo, Deputy Attorney General, representing the Department of the Youth Authority

Christine Albertine, Assistant Chief Counsel, representing, CCPOA

Rudy Jensen, Supervising Legal Counsel, representing CCPOA

ACTION: Submitted

7. ORAL ARGUMENT

Oral argument in the matter of JENNIFER KILL, CASE NO. 00-2664P. Appeal from Dismissal. Department of Corrections.

Persons Participating:

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Gregory L. Nicholas, Staff Counsel, representing Department of Corrections
Michael Hersh, Attorney at Law, CSEA, representing the appellant
Jennifer Kill ,appellant

ACTION: Submitted

8. HEARING - The Department of Transportation proposes the establishment of an alternative examination and selection demonstration project for specific managerial classes and adoption of regulations to implement the project.

Persons Participating:

Carol Ong, Staff, California State Personnel Board
Judy O'Day, Chief, Division of Human Resources, Department of Transportation
Brent Scott, Chief, Office of Examination Services, Department of Transportation

ACTION: Adopted August 7, 2001.

VOTE: Alvarado, Bos, Carpenter, Harrigan - Aye.

9. HEARING - CSEA requests an opportunity to present Resolutions to the Board concerning restoring centralized testing and ending discrimination, retaliation and harassment in State Service.

Persons Participating:

Steven K. Alari, Executive Vice President, CSEA
Alex Garcia, CO-Chair Labor/Management, CSEA/SEUI Local 1000
Mike Roskey, Member, Lavender Committee, CSEA/SEUI Local 1000
Patricia Hudson, Chair, Women's Committee, CSEA/SEUI Local 1000
Al Rojas, Member, Latina/Latino Committee, CSEA/SEUI Local 1000
Van Evans, Chair, African American Committee, CSEA/SEUI Local 1000
Jim Hard, Director, Civil Service Division, CSEA/SEUI Local 1000
Rebecca Sandoval, President, League of United Latin American Citizens
Rayvella "Raye" Zentner, Chief, Personnel Management Division, Board of Equalization

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Kay Priest, Human Resources Manager, State Department of Real Estate

Olin King, Vice President, Association of California State Supervisors

Bonnie Morris, Senior Labor Relations Representative, Association of California State Supervisors

ACTION: Submitted

BOARD ACTIONS

10. STATE PERSONNEL BOARD SUMMARY MINUTES OF JULY 24, 2001

ACTION: Adopted August 7, 2001

VOTE: Alvarado, Bos, Carpenter, Harrigan - Aye.

11. ACTION ON SUBMITTED ITEMS

ACTION: See pages 18-20.

12. ADMINISTRATIVE LAW JUDGE CASES

On August 7, 2001, the Board adopted the following decision presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Alvarado, Bos, Carpenter, Harrigan - Aye.

COURT REMAND

BUD JONES, CASE NO. 97-2711

Appeal from demotion

Department of Board of Equalization

ACTION: Remanded back to Administrative Law Judge for further hearing

PROPOSED DECISIONS

DENISE M. POWELL, CASE NO. 00-0456

Appeal from discrimination and harassment

Warehouse Manager II

Department of Corrections at Chino

ACTION: Discrimination and harassment complaint dismissed

NOOSHEEN SCHWARZ, CASE NO. 01-0791

Appeal from an official reprimand

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Office Assistant (Typing)
Department of Industrial Relations
ACTION: Official reprimand sustained

GLENN D. HARDERS, CASE NO. 00-3173
Appeal from demotion from
Manager III to Manager I
Department of Motor Vehicles
ACTION: Permanent demotion modified to a demotion for six months

CLYDE GAMBLES, CASE NO. 00-4255
Appeal from one step reduction
in salary for six months
Correctional Officer
California State Prison-Solano
Department of Corrections
ACTION: One-step reduction in salary for six months
modified to an official reprimand

JOHN A. GOMEZ, CASE NO. 99-1878
Appeal from demotion from
Facility Captain to Correctional Counselor I
Correctional Training Facility-Soledad
Department of Corrections
ACTION: Demotion from Facility Captain to Correctional
Counselor I revoked

TENNILLE J. HABERMAN, CASE NO. 00-3990
Appeal from rejection during probationary period
Correctional Officer (Cadet)
Department of Corrections
ACTION: Administrative Law Judge's decision rejected by
Board. Board to decide case itself

RICHARD A. KALEY, CASE NO. 00-1452
Appeal from 20 calendar days suspension
Correctional Officer
California State Prison-Sacramento
Department of Corrections
ACTION: 20 calendar days suspension modified to a five
calendar day suspension

ELIZABETH BEDNAR, CASE NO. 01-0991
Appeal from rejection during probationary period

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Office Assistant (Typing)
Salinas Valley State Prison
Department of Corrections
ACTION: Rejection during probationary period sustained

MONSE GARCIA, CASE NO. 00-3382
Appeal from dismissal
Custodian
California State Polytechnic University
ACTION: Dismissal modified to a 60 day suspension

RICHARD EWING, SPB CASE 01-0590
Appeal from rejection during probationary period
Teacher, Elementary,
Solano, Correctional Facility
Department of Corrections
ACTION: Rejection during probationary period sustained

ELY PICINO, SPB CASE 01-1036
Appeal from dismissal
Correctional Officer
Chowchilla, California Women's Facility
Department of Corrections
ACTION: Dismissal sustained

PETITIONS FOR REHEARING

PHILLIP E. BROWN, CASE NO. 00-3165P
Appeal for reinstatement to the position
of Custodian
San Diego State University at San Diego
ACTION: Petition for rehearing filed by Appellant denied
State University at San Diego

YUANGUAN GE, CASE NO. 00-2649
Appeal from rejection during the
probationary period
Transportation Engineering Technician
Department of Transportation
Action: Petition for rehearing filed by Appellant denied

VIRGINIA HAWORTH, CASE NO. 99-2773
Appeal from ten- percent reduction
in salary for 12 months
Vocational Instructor-Janitorial Services

Tracy - Deuel Vocational Institution
Department of Corrections

Action: Petition for rehearing filed by Appellant denied

DIANNA HENNING, SPB CASES NO. 98-4118/99-0772

Appeal from denial of request for
reasonable accommodation

Institution Artist/Facilitator and from medical demotion
from that position to Business Service Officer I, Specialist
Department of Corrections

Action: Petition for rehearing filed by Respondent denied

SUSAN BERGER-TULLY, CASE NO. 01-0489

Appeal from rejection during probationary period
Graphic Specialist II

California State University Division

ACTION: Petition for rehearing filed by Appellant granted

VALENTIN SUNICO, CASE NO. 01-1017

Appeal from ten-percent reduction
in salary for three months

Medical Technical Assistant
Department of Corrections

ACTION: Petition for rehearing filed by Appellant denied

DAVID RIVAS, CASE NO. 01-0465

Appeal from limited term/tau termination
in salary for three months

Seasonal Employee
Franchise Tax Board

ACTION: Petition for rehearing filed by Appellant denied

ROBERT WHITE, CASE NO. 00-1876

Appeal from constructive medical
termination

Correctional Officer
Norco - California Rehabilitation Center
Department of Corrections

ACTION: Petition for rehearing filed by Appellant denied

BOBBIE R. FLOYD, CASE NO. 00-1224

Appeal from rejection during probationary
period

Supervising Registered Nurse I
Soledad - State Prison
Department of Corrections

ACTION: Petition for rehearing filed by Appellant denied

13. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION.

ACTION: See pages 21-24.

14. WITHHOLD APPEALS

On August 7, 2001, the Board adopted the following decisions presented by Walter Vaughn, Executive Officer, California State Personnel Board.

VOTE: Alvarado, Bos, Carpenter, Harrigan - Aye.

RICHARD C. MUNOZ, CASE NO. 00-3203

Classification: Cadet, CHP

California Highway Patrol

ACTION: DENIED

MERRY NUNEZ, CASE NO 00-3536

Classification: Cadet, CHP

State Personnel Board

ACTION: WITHDRAWN

RUBEN L. VELASQUEZ, CASE NO. 00-3577

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

JOSE C. RENTERIA, CASE NO. 00-2714

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

DONALD LOCKE, CASE NO. 00-4011

Classification: Hospital Peace officer I

State Personnel Board

ACTION: DENIED

REGINALD JOHNSON, CASE NO. 00-4067

Classification: Youth Correctional Counselor

Department of Youth Authority

ACTION: DENIED

RAOUL LEYVA, CASE NO. 00-4112

Classification: Youth Correctional Officer

Department of Youth Authority

ACTION: DENIED

YVETTE ALEXANDER, CASE NO. 00-4093

Classification: Correctional Officer

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Department of Corrections
ACTION: DENIED

JOHN WAGSTER, CASE NO. 00-4183
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

CARI CVETKOVICH-TAPIZ, CASE NO. 00-4182
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

CHRISTOPHER WUEST, CASE NO. 00-4012
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

LATRICIA THOMPSON, CASE NO. 00-4181
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

JOSE F. REYES, Jr., CASE NO. 00-3970
Classification: Correctional Officer
Department of Corrections.
ACTION: DENIED

VINCE S. PETERSON, CASE NO. 00-4082
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

JOSE M. JASSO, Jr., CASE NO. 00-3921
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

JERRON HARDING, CASE NO. 00-3388
Classification: Correctional Officer
Department of Correction
ACTION: DENIED

MATTHEW HALL, CASE NO. 00-3988
Classification: Cadet, CHP

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Department of Corrections
ACTION: DENIED

FRANCES GARCIA, CASE NO. 00-3349
Classification: Youth Correctional Officer
Department of Youth Authority
ACTION: DENIED

WYATT DOSTY, CASE NO. 00-3225
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED

THADDEUS BALDWIN, CASE NO. 00-3269
Classification: Youth Correctional Officer
Department of Youth Authority
ACTION: DENIED

DAVID CARDENAS, CASE NO. 00-3853
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED

BRANDON LAWRENCE, CASE NO. 00-3761
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

MARICEL A. GAVINA, CASE NO. 00-3858
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

MICHELLE L. MILLER, CASE NO. 00-3421
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

DAVID MOYER, CASE NO. 00-3830
Classification: Cadet, CHP
California Highway Patrol
ACTION: GRANTED

DAIVD MOORE, CASE NO. 00-4207
Classification: Correctional Officer

Department of Corrections
ACTION: DENIED

WILLIAM KEMP, CASE NO. 00-4275
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

JOSE GARCIA, CASE NO. 01-0010
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

DENNIS J. MITCHELL, CASE NO. 00-3277
Classification: Correctional Officer
Department of Corrections
ACTION: DISMISSED

15. MEDICAL APPEALS

On August 7, 2001, the Board adopted the following decisions presented by Walter Vaughn, Executive Officer, California State Personnel Board.

VOTE: Alvarado, Bos, Carpenter, Harrigan - Aye.

BRUCE BELL, CASE NO. 01-0303
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

JASON BLAIS, CASE NO. 00-4135
Classification: Cadet, California Highway Patrol
Department of the California Highway Patrol
ACTION: GRANTED

MARK HOGAN, CASE NO. 01-0291
Classification: Cadet, California Highway Patrol
Department of the California Highway Patrol
ACTION: DENIED

FRANK CHRISTOFORAKIS, CASE NO. 01-0335
Classification: Youth Correctional Counselor
Department of the Youth Authority
ACTION: DENIED

RICARDO FARIAZ, CASE NO. 01-0710
Classification: Youth Correctional Counselor
Department of the Youth Authority

ACTION: DENIED

RENE PICENO, CASE NO. 01-0013
Classification: Youth Correctional Counselor
Department of the Youth Authority
ACTION: DENIED

16. EXAMINATION APPEALS

MERIT ISSUE COMPLAINTS

On August 7, 2001, the Board adopted the following decisions
presented by Walter Vaughn, Executive Officer, California
State Personnel Board.

VOTE: Alvarado, Bos, Carpenter, Harrigan - Aye.

GROUP APPEAL - EXAMINATION

MARIO D. BATES, CASE NO.	00-2460
KELLY BRESHEARS, CASE NO.	00-2331
ARTURO CORDOVA, CASE NO.	00-2378
KENNETH E. DARNELL, CASE NO.	00-2637
MARCO A. GUILIN, CASE NO.	00-2504
KEVIN L. HEATHCOAT, CASE NO.	00-2322
HOWARD INGRAM, CASE NO.	00-2099
RICHARD IVICEVICH, CASE NO.	00-2119
GLENN MICHELMORE, CASE NO.	00-3411
HENRY PASLEY, CASE NO.	00-2321
JAIME SHAW, CASE NO.	00-2381
EDWARD YETT, CASE NO.	00-2169

Classification: Correctional Sergeant
Department of Corrections
ACTION: WITHDRAWN

GROUP APPEAL - EXAMINATION

TERRI M. BUSCH, CASE NO.	00-3566
MARGARET R. CHAN, CASE NO.	00-3870
SHIRLEY, DAVIS, CASE NO.	00-3520
CHERYL J. DEROBERTIS, CASE NO.	00-3621
LINDA DONAHOE-MERCADO, CASE NO.	00-3801
SANDRA D. ELZIE, CASE NO.	00-3519
JOHN F. FOLEY, CASE NO.	00-3818
LEO E. GALLANT, CASE NO.	00-3788
CRAIG HOBSON, CASE NO.	00-3782
DAVE T. IDE, CASE NO.	00-3595
CAROL A. KELLY, CASE NO.	00-3619
GRACE KONG, CASE NO.	00-3926
CECILIA LEW, CASE NO.	00-3657
WILLIAM E. LEWIS, CASE NO.	00-3806
MANOLO C. LIASOS, CASE NO.	00-3499
ARTHUR J. LOPEZ, CASE NO.	00-3620
MARYANN LORSON, CASE NO.	00-3501
ADELAIDA B. MADARIAGA, CASE NO.	00-3593
EVON J. MRIZEK, CASE NO.	00-3625

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OANH K. NGUYEN, CASE NO. 00-3626
JILL SANTOS, CASE NO. 00-3790
GINA SCHUMACHER, CASE NO. 00-4049
SHARON SKONDIN, CASE NO. 00-3754
LIA ST. CHARLES, CASE NO. 00-3658
MILLARD TOTMAN, CASE NO. 00-3497
BRIAN E. WHITE, CASE NO. 00-3627
LORETTA D. WONG, CASE NO. 00-3622
MICHAEL YEE, CASE NO. 00-3744
Classifications: Staff Services Manager I & II
(Supervisory)
Department of Transportation
ACTION: GRANTED

CHRISTOPHER BROWN, CASE NO. 01-0897 - MIC
Classification: Special Agent
Department of Corrections
ACTION: DENIED

JOLENE EVELAND, CASE NO. 00-3143 - MIC
Classification: Criminal Justice Specialist I
Department of Justice
ACTION: WITHDRAWN

HAROLD THOMAS, CASE NO. 00-3402 - MIC
Classification: Staff Counsel III
Department of Fish and Game
ACTION: DENIED

WILLIAM THOMPSON, CASE NO. 00-3370 - MIC
Classification: Individual Program Coordinator
Department of Developmental Services
ACTION: DISMISSED

RANDY P. LaBONTE, CASE NO. 00-1396 - MIC
Classification: Warehouse Worker
Department of General Services
ACTION: DISMISSED

17. REQUEST TO FILE CHARGES CASES
PETITIONS FOR REHEARING CASES
On August 7, 2001, the Board adopted the following decisions
presented by Walter Vaughn, Executive Officer, California
State Personnel Board.

VOTE: Alvarado, Bos, Carpenter, Harrigan - Aye.
(Exception) - Harrigan - Abstained on Fernando Gandara.

JAMES R. OBRIEN, CASE NO. 00-4268 - RTFC

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Classification: Member of the public
ACTION: DENIED

FERNANDO GANDARA, CASE NO. 00-3435 - RTFC
Classification: An employee of the Department of Veterans
Affairs
ACTION: DENIED

JOHN L. LaMONTAGNE, CASE NO. 99-5190P - PFR
Classification: Prison Industry Superintendent I
Prison Industry Authority
ACTION: GRANTED

JANIS TAYLOR, CASE NO. 00-3268P - PFR
Classification: Staff Services Analyst
ACTION: GRANTED

18. NON-HEARING CALENDAR

On August 7, 2001, the Board adopted items C, D, & E. Item A was withdrawn as it was a duplication of item E. Item B was also withdrawn. These items were presented to the Board by Karen Coffee, Chief, Personnel and Innovations Division, California State Personnel Board.

VOTE: Alvarado, Bos, Carpenter, Harrigan - Aye.

A. AMENDMENT TO PERSONNEL/PAYROLL SERVICES SPECIALIST
ADOPTED BY SPB ON 6/19/01

ACTION: WITHDRAWN

B. EQUITY RESOLUTION
Equity resolution to allow Rick Lopes to remain in the classification of Information Officer II.

ACTION: WITHDRAWN

C. EQUITY RESOLUTION
Equity resolution to allow Toby Wenzel to remain in the classification of Associate Information Systems Analyst (Specialist).

ACTION: ADOPTED

D. CORRECTIONAL OFFICER
YOUTH CORRECTIONAL OFFICER CLASSES

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The Department of Personnel Administration proposes to revise the alternate range criteria for the Correctional Officer and Youth Correctional Officer Classes.

ACTION: ADOPTED

E. PERSONNEL/PAYROLL SPECIALIST

The Department of Personnel Administration proposes to amend the 6/19/2001 Non-Hearing calendar item, PERSONNEL/PAYROLL SPECIALIST, BOARD item, as set forth in item 12C of the minutes of the 6/19/2001 meeting.

ACTION: ADOPTED

19. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

Staff has approved the following:

A. BOOKBINDER I, II, III AND IV

The Department of Personnel Administration proposes minor revisions to the Bookbinder I, II, III and IV classification specifications.
(WITHDRAWN)

B. LEGAL SECRETARY

The Department of Personnel Administration proposes revision of Alternate Range Criteria 405 to delete the departmental assessment process and to clarify the required criteria for Range B of the Legal Secretary classification.

C. SERGEANT, CALIFORNIA HIGHWAY PATROL

The California Highway Patrol proposes to revise the minimum qualifications for the Sergeant, California Highway Patrol classification

D. CHIEF, FOOD AND DRUG SECTION

The Department of Health services proposes to amend Pattern VI of the minimum qualifications for the class of Chief, Food and Drug section.

20. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

- (1) DIVISION CHIEF, MARKET CONDUCT DIVISION
The Department of Insurance proposes to allocate the above position to the CEA category. The Division Chief, Market Conduct Division will be responsible for formulating policies for and planning, organizing and directing the activities of the Market Conduct Division, and will do other related work. The department indicates that the position is at the third organizational level and will report to the Commissioner and Deputy Commissioner, Consumer Services & Market Conduct Branch.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

- (1) LEGISLATIVE DIRECTOR
The Department of Information Technology's request to allocate the above position to the CEA category has been approved effective July 12, 2001.
- (2) CHIEF, PARK UNIT DEVELOPMENT AND CAPITAL OUTLAY
The Department of Parks and Recreation's request to allocate the above position to the CEA category has been approved effective July 16, 2001.

C. REQUESTS TO REFILL CEA POSITIONS ESTABLISHED BETWEEN 6/30/95 AND 1/1/99

NONE PRESENTED

D. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO REFILL CEA POSITIONS ESTABLISHED BETWEEN 6/30/95 AND 1/1/99

****CORRECTION TO THE July 24, 2001 AGENDA****

DIRECTOR, INFORMATION TECHNOLOGY AND SUPPORT MANAGEMENT DIVISION

The Commission on Teacher Credentialing's request to refill the above position has been *approved*, June 28, 2001.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. LIEM C. VU, CASE NO. 00-1743. Appeal from dismissal. Department of Veterans Affairs. (Oral argument held June 5, 2001).

NO ACTION

2. DUANE SCHNEIDER, CASE NO. 00-3561. Appeal from five working days suspension. Department of Motor Vehicles. (Oral argument held June 5, 2001).

ACTION: On August 7, 2001, adopted Board decision modifying five working days suspension to an official reprimand.

VOTE: Alvarado, Bos, Carpenter - Aye.

Harrigan did not participate.

3. MICHAEL STATON, CASE NO. 99-3155. Appeal from discrimination complaint. Department of Justice (Oral argument held June 5, 2001).

NO ACTION

4. EVERETT DREW, CASE NO. 00-1480. Appeal from dismissal. Department of Corrections. (Oral argument held July 10, 2001).

NO ACTION

5. MITCHELL BLAIR, CASE NO. 99-0242. Appeal from dismissal. Department of the Youth Authority. (Oral argument held July 10, 2001).

NO ACTION

6. CHRISTINE SALAZAR, CASE NO. 99-5136. Appeal from reasonable accommodation. Employment Development Department. (Oral argument held July 10, 2001).

NO ACTION

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7. CASSANDRA CLADDY, CASE NO. 00-3080. Appeal from five percent reduction in salary for five months. Employment Development Department. (Oral argument held July 10, 2001).

NO ACTION

8. TINA GABRIALT, CASE NO. 00-2360. Appeal from dismissal. Human Services Agency, County of Merced. (Oral argument held July 10, 2001).*

ACTION: On August 7, 2001, adopted Board decision revoking dismissal.

VOTE: Bos, Carpenter, Harrigan - Aye.

Alvarado - Did not participate

9. RICHARD C. TOBY, CASE NO. 00-1572P. Appeal from dismissal. Department of Developmental Services. (Oral argument held July 10, 2001).

NO ACTION

10. CRYSTAL QUARTEY, CASE NO. 00-1276. Appeal from dismissal. Department of Veterans Affairs. (Oral argument held July 11, 2001).

ACTION: On August 7, 2001, adopted Board decision revoking dismissal.

VOTE: Bos, Carpenter, Harrigan - Aye.

Alvarado - Did not participate

*Adopted as Precedential Decision(s) # 01-03.

[NOTE: Precedential Decisions of the State Personnel Board are published and available by subscription from Continuing Education of the Bar (CEB) in Berkeley. To subscribe, call CEB, toll free, at (800) 924-3924.]

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11. RAYMOND TAYLOR, CASE NO. 97-3065. Appeal from medical termination/denial of reasonable accommodation. State Compensation Insurance Board. (Oral argument not held on June 5, 2001, written argument was submitted by SCIF).

ACTION: On August 7, 2001, adopted Board decision sustaining medical termination and the appeal from denial of reasonable accommodation denied.

VOTE: Alvarado, Bos, Carpenter, - Aye.

Harrigan - Did not participate.

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board or less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on August 7, 2001.

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Alvarado, Bos, Carpenter, Harrigan - Aye.

CORRECTION

The Summary Minutes of July 24, 2001 should have reflected that Laura Aguilera, Assistant Executive Officer, California State Personnel Board presented the Non-Hearing Calendar.

In the Summary Minutes of June 5, 2001, the action for the oral argument of Raymond Taylor, Case No. 97-3065 should have read: No oral argument held but written testimony submitted by the State Compensation Insurance Board. The State Personnel Board took the matter under submission. See "Submitted" section of these minutes, page 20, #11 for Board's action on this case.